

REMARKS

Claims 6-9 are pending. The Office Action dated September 30, 2004 has been carefully considered. The above amendments, the following remarks, and the attached exhibits are presented in a sincere attempt to place this Application in condition for allowance. Claims 1-5 have been cancelled and Claims 6-9 have been added in this Response. Reconsideration and allowance are respectfully requested in light of the above amendments and following remarks.

The Examiner suggests that the declaration is defective because it was not executed in accordance with 37 C.F.R. § 1.66 and § 1.68. Based upon a correspondence from the U.S.P.T.O. Director Office (Technology Center 2600) dated June 7, 2004, the signed declaration was submitted with the original Application. The postcard and the signed declaration are attached as Exhibit A. Dwayne D. Bost acknowledges the receipt of the signed declaration in this correspondence, which is attached as Exhibit B and is titled "Decision on Petition to Withdraw Holding of Abandonment."

Applicants respectfully contend that an accurate signed declaration with the named inventors was filed with the original Application. The correct inventors of the present Application were listed in the original declaration and not the title sheet of the parent Application (Application Number: 09/152,916 now Patent Number 6,249,680). Under 37 C.F.R. § 1.76(d)(3), "the declaration governs inconsistencies with the application data sheet in the naming of inventors and setting forth their citizenship." Therefore, Applicants respectfully request that the objection to the declaration be withdrawn.

In view of the foregoing, it is apparent that the declaration is effective and does comply with 37 C.F.R. § 1.63. Accordingly, Applicants respectfully request that the objection of the declaration under 37 C.F.R. §§ 1.66, 1.68 be withdrawn.

Claims 1-5 stand rejected under 35 U.S.C. § 102(e) in view of U.S. 6,501,746 B1 to Leung et al. (Leung). Claims 1-5 were submitted in error and are identical to Claims submitted with Application Number: 09/657,449, filed on September 7, 2000. Since Claims 1-5 have been cancelled and Claims 6-9 have been added, the Examiner's rejections of Claims 1-5 under § 102(e) in view of Leung are moot.

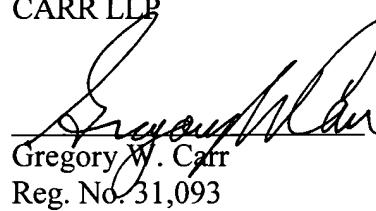
Applicants have now made an earnest attempt to place this Application in condition for allowance. For the foregoing reasons and for other reasons clearly apparent, Applicants respectfully request full allowance of Claims 6-9.

Applicants believe that only a one-month extension fee is due. The Commissioner is hereby authorized to charge a one-month extension fee, any further required fees due (other than issue fees), and to credit any overpayment made, in connection with the filing of this paper to Deposit Account No. 50-0605 of CARR LLP.

Should the Examiner deem that any further amendment is desirable to place this application in condition for allowance, the Examiner is invited to telephone the undersigned at the number listed below.

Respectfully submitted,

CARR LLP


Gregory W. Carr
Reg. No. 31,093

Dated: 1/11/05
CARR LLP
670 Founder's Square
900 Jackson Street
Dallas, Texas 75202
Telephone: (214) 760-3030
Fax: (214) 760-3003